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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/640,783	08/18/2000	Hirotsugu Kawada	2000-1134A	7347

7590 02/08/2005  
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EXAMINER

DADA, BEEMNET W

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/640,783	<b>Applicant(s)</b> KAWADA ET AL.	
	<b>Examiner</b> Beemnet W Dada	<b>Art Unit</b> 2135	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 5-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/6/01</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Applicant's election with traverse of Group I claims 1-3 in the reply filed on July 06, 2004 is acknowledged. The traversal is on the ground(s) that claim 4 should be included in Group I not Group II. Claims 1-3 has been identified as belonging to Group I, and claims 4-8 has been identified as belonging to group II. However, claim 4 depend from claim 2, which in turn, depends from claim 1. This is found persuasive and claim 4 has been included in Group I. Claims 1-4 are examined. Claims 5-36 are withdrawn as being drawn to non-elected invention.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. US Patent 6,289,102 B1 (hereinafter Ueda) in view of Aizawa US Patent 5,646,993.

4. As per claim 1, Ueda teaches a data player for reading contents encrypted by a decoding key from a digital medium, and playing the encrypted content by using the decoding key which is stored in a key storage unit, said data player comprising:

key obtaining means for performing mutual authentication with the key storage unit to obtain the decoding key stored in the key storage unit [column 17, lines 10-24 and column 19, lines 1-15];

key holding means for holding the decoding key [column 19, lines 15-30];

playback state obtaining means for monitoring the playback state of the digital medium [column 9, lines 64 – column 10, lines 5 and column 12, lines 36-47];

contents decoding means for decoding the encrypted contents by using the decoding key [column 19, lines 37-50];

wherein the decoding key is obtained by the key obtaining means and stored in the key holding means [column 19, lines 15-30, 37-50], the encrypted contents read from the digital medium is decoded with the decoding key by the contents decoding means to play the contents [column 19, lines 37-50]. Ueda does not explicitly teach discarding a decoding key. However Aizawa teaches an information reproducing method and apparatus [column 3, lines 40-54] including erasing decoding keys after information has been produced [column 5, lines 12-38]. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the teachings of Aizawa within the system of Ueda in order to further enhance the security of the system.

5. As per claims 2, the combination of Ueda and Aizawa teaches the player as applied above. Furthermore, Ueda teaches playback state obtaining means for monitoring the playback state of the digital medium [column 9, lines 64 – column 10, lines 5 and column 12, lines 36-47].

6. As per claims 3 and 4, the combination of Ueda and Aizawa teaches the player as applied above. Furthermore, Ueda teaches the player wherein said digital medium is a DVD [column 1, lines 39-50].

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beemnet Dada

February 2, 2005

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